

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO/OAKLAND DIVISION

Case No. C 09-02306 CW

## CLASS ACTION

## STIPULATION AND ORDER CONTINUING DEADLINES

Defendants.

WHEREAS, discovery in this case has been on-going;

WHEREAS, the present non-expert discovery cut-off is September 30, 2010, and expert disclosures are due on September 30, 2010;

WHEREAS, the Parties believe that the current discovery deadlines have become unworkable for a variety of reasons, including the unavailability of key witnesses of Defendants during the months of May and June due to pressing budget-related activities; the fact that State Defendants' production of voluminous electronic data regarding In-Home Supportive Services consumers and providers was delayed by months for technical reasons and there is a need for additional time for expert analysis of this data; the difficulty of scheduling Defendants' depositions of the individual and union Plaintiffs prior to the discovery deadline after Magistrate Judge Larson resolved the parties' dispute regarding the number of depositions Defendants could take; and the fact that, while discovery has been on-going, Plaintiffs and Defendants have had to devote considerable time and resources to ongoing proceedings in this case including the litigation of the temporary restraining order that was entered on June 29, 2010;

WHEREAS, the Parties have agreed upon a modest extension of the discovery and related deadlines that they believe will allow for the completion of discovery while minimizing delay of trial;

WHEREAS, the Court has previously adjusted deadlines in this case six times (Dkt. #59, 62, 158, 179, 192, 281; *see also* Dkt. #94); however, only the most recent modification affected the initial deadlines set by the Court for discovery, case-dispositive motions, or trial;

IT IS HEREBY STIPULATED between the parties through their respective counsel that, subject to Court approval, the following schedule should replace that set by the Court in its Order Adopting Stipulation Continuing Deadlines filed May 7, 2010 (Dkt. #281):

Completion of Fact Discovery ..... 10/29/10

Disclosure of identities and reports of expert witnesses

Initial ..... 11/19/10

Rebuttal ..... 12/17/10

Completion of Expert Discovery ..... 01/21/11

Plaintiffs' Opening Brief re Dispositive Motions ..... 02/17/11

Defendants' Opposition and Cross-Motion re Dispositive Motions ..... 03/10/11

1 Plaintiffs' Reply and Opposition re Dispositive Motions ..... 03/24/11  
2 Defendants' Surreply re Dispositive Motions ..... 03/31/11  
3 Case Management Conference Statement due ..... 04/07/11  
4 Hearing on Dispositive Motions and Case Management Conference ..... 04/14/11 @ 2:00 p.m.  
5 Pretrial Conference ..... 06/21/11 @ 2:00 p.m.  
6 Trial ..... 07/05/11 @ 8:30 a.m.  
7

8 Dated: September 30, 2010

Respectfully submitted,

9 STEPHEN P. BERZON  
10 SCOTT A. KRONLAND  
11 STACEY M. LEYTON  
12 PEDER J. THOREEN  
13 ANNE N. ARKUSH  
14 Altshuler Berzon LLP

By: /s/ Stacey M. Leyton

Attorneys for Plaintiffs

15 Dated: September 30, 2010

Respectfully submitted,

16 EDMUND G. BROWN JR.  
17 Attorney General of California  
18 SUSAN M. CARSON  
19 Supervising Deputy Attorney General  
20 JENNIFER A. BUNSHOFT  
21 Deputy Attorney General

By: /s/ Susan M. Carson

Attorneys for State Defendants

22 Dated: September 30, 2010

Respectfully submitted,

23 MICHAEL G. WOODS  
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26 McCormick, Barstow, Sheppard,  
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By: /s/ Timothy J. Buchanan

Attorneys for Fresno Defendants

GENERAL ORDER 45 ATTESTATION

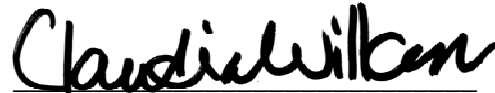
I, Stacey M. Leyton, am the ECF user whose ID and password are being used to file this stipulation and proposed order. In compliance with General Order 45, X.B., I hereby attest that Defendants' counsel have concurred in the filing of this document with their electronic signatures.

Dated: September 30, 2010

By: /s/ Stacey M. Leyton  
Attorneys for Plaintiffs

PURSUANT TO STIPULATION, IT IS SO ORDERED, except that the stipulation is declined regarding the dispositive motion schedule and pretrial and trial dates. July 5 is not an available trial date, and in any event would be too close to the motion hearing date. Counsel may consult with the Courtroom Deputy regarding available trial dates and submit another stipulation. The dispositive motion hearing date must be at least 90 days before the trial date.

Dated: October 5, 2010

  
Honorable Claudia A. Wilken  
United States District Court Judge